

CORCORAN CONSULTING, LLC,)
)
Plaintiff,)
)
vs.) Case No. 3:17 CV 803 MJR/RJD
)
CREMSERVICES, LLC, et al.,)
)
Defendants.)

¹ For ease of reference, this Order will refer to Robert Corcoran and Real Estate Learning Institute, Inc., as “Defendants,” and will refer to Corcoran Consulting, LLC, and B & B Mill Consulting, Inc., as “Plaintiffs.”

strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f); *Delta Consulting Group, Inc. v. R. Randle Const., Inc.*, 554 F.3d 1133, 1141 (7th Cir. 2009). Motions to strike are disfavored, however, and will generally be denied unless the portion of the pleading at issue is clearly prejudicial and of no possible relevance to the controversy at issue. *Heller v. Fin., Inc. v. Midwhey Powder Co.*, 883 F.2d 1286, 1294 (7th Cir.1989); *Tektel, Inc. v. Maier*, 813 F.Supp. 1331, 1334 (N.D.Ill. 1992). Prejudice results, for instance, where the challenged allegation has the effect of confusing the issues or is so lengthy and complex that it places an undue burden on the responding party. *Cumis Ins. Soc., Inc. v. Peters*, 983 F.Supp. 787, 798 (N.D.Ill. 1997). The determination of whether to strike under Rule 12(f) is within the discretion of the trial court. *Talbot v. Robert Matthews Distributing Co.*, 961 F.2d 654, 664 (7th Cir. 1992).

Defendants do not argue that allowing the affirmative defenses to remain would cause prejudice, nor do Defendants argue that the affirmative defenses are wholly irrelevant to the controversy at issue. In the absence of any showing of prejudice or of clear immateriality, Defendants’ Motion to Strike (Doc. 62) is DENIED.

SO ORDERED.

DATED: November 7, 2017

s/ *Reona J. Daly*
UNITED STATES MAGISTRATE JUDGE